

REMARKS/ARGUMENT

Applicants elect, with traverse, Species A2B1 with pending claims 27, and 30-31 and new claim 33 readable thereon.

The restriction requirement issued October 21, 2003 states that "[T]his application contains claims directed to patentably distinct species:

Generic = A packaged or encapsulated die configured "without a substrate."

A. Overmolding Configuration ? [See p. 8, lines 16-17]

1. Overmolded, but not encapsulated (i.e. side opposite bonding pads covered, but side having bonding pads uncovered).
2. Encapsulated (i.e. overmolded to cover both major sides of a die except for the bonding pads themselves).

B. Encapsulant Material ? [See p. 7, lines 7-8]

1. Epoxy
2. Silicone
3. Sycar
4. Polyimide
5. Polyurethane

Therefore, applicants were required "...under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 27 is generic."

Applicants respectfully submit that the definitions of "overmolded" and "encapsulated" recited in the present restriction requirement are inconsistent with the specification cited. More specifically, the specification on page 8, lines 16-17 states "...overmolded, that is, encapsulated at least on the side of the die which does not contain the bonding pads..." while the restriction requirement states "overmolded, but not encapsulated (i.e. side opposite bonding pads covered, but side having bonding pads uncovered)." Additionally, the definitions of "overmolded" and "encapsulated" recited in the present restriction requirement are inconsistent with the claims, see specifically claims 28 and 30.

Further, Applicants submit that the restriction requirement to A1 overmolded or A2 encapsulated and to B encapsulant material, 1 epoxy, 2 silicone, 3 sycar, 4 polyimide or 5 polyurethane is not proper as the two criteria for a proper requirement for restriction between patentably distinct inventions are (1) that the inventions be independent or distinct as claimed and (2) there must be a serious burden on the examiner if restriction is required. In the present Office Action, the restriction requirement to "overmolded" or "encapsulated" is based on the specification and not on the invention as claimed, and is

Application No. 09/989,477
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based on erroneous definitions which are not consistent with the specification. As to the requirement to select between various materials, these materials are set forth as a group in claims 29 and 32. In all cases, the restriction requirement issued October 21, 2003 fails to demonstrate that the application cannot be examined without serious burden. As such, the Examiner has failed to present a prima facie case for restriction.

Claim 27 is acknowledged to be a generic claim. Applicants respectfully submit that the remaining claims, claims 26 and 28-32 represent a reasonable number of species which are entitled to remain with the generic claim. In the absence of the demonstration of serious burden, the restriction requirement should be withdrawn.

Respectfully submitted,



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